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## REACT

*Reactivating European citizenship: a network of inclusive towns*

Presentation meeting  
Wattrelos, 12-13 July 2017

### Constitutional principles and legal aspects of citizenship in Albania

Presentation of Durrës Municipality  
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Europe for Citizens - Programme Guide 2014-2020

## *What we have done until now in the framework of REACT Project?*

- We have upload the REACT folder at the official website of Durrës Municipality;
- We have update the Project stakeholder list (public/private institutions, civil society representatives, students etc.);



*What we have done  
until now in the framework of REACT  
Project?*

- We have participated in Forum (debate) organized by Albania Sussex University Alumni Association, with regard to EU history and returned albanian students (held in City Hall of Durrës Municipality, on 24.06.2017)





## Constitutional principles of citizenship in Albania

*“The fundamental rights and freedoms and the duties contemplated in the Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania” (Art. 16)*

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## Constitutional principles of citizenship in Albania

- *The collective expulsion of foreigners is prohibited (expulsion is permitted under the conditions specified by law)*

Art. 39.

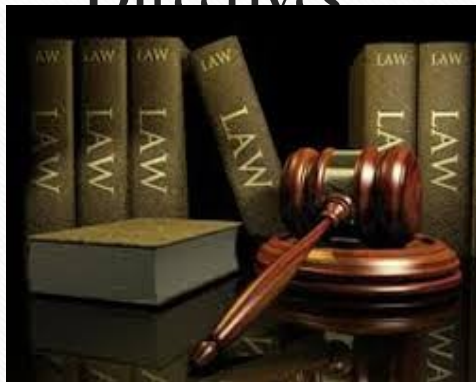
- *Foreigners have the right of asylum in the Republic of Albania according to law (Art. 40).*





## Legal aspects on foreigners living in Albania

The Law 108/2013 “On Foreigners” is in compliance with EU Regulations and Directives



### Object of the law (Article 1)

- This law regulates the regime of entry, stay, **employment** and exit of foreigners into and from the Republic of Albania.

### Scope of application (Article 2)

- 2. The provisions of this law related to the stay and employment of the foreigners shall not apply to the personnel of diplomatic missions and consular posts, for the members of United Nations missions and other specialized institutions of the United Nations, for the members of the international organizations and missions accredited in the Republic of Albania or for their family members.

### Rights of long-term residents (Article 70)

- 1. The foreigners issued with a permanent residence permit is a long-term resident and must be registered with the civil registry office as a long-term resident. Similarly, **as the temporary residents, the foreigner**, if the requirements are met, **shall be issued with foreigner's identity card and may be employed, self-employed or engaged directly in business activity**, without the requirement to be issued with a work permit.
- 2. Long-term residents *shall enjoy economic rights, health-related and social rights* on the same terms as the Albanian nationals, in line with the legislation in force.

## Legal aspects on foreigners living in Albania

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### Law No. 108/2013 (Art. 71)/Employment of foreigners

1. A foreigner may be employed in the Republic of Albania upon being provided with *a work permit, or business registration certificate*, except as otherwise provided in this law, international agreements recognized by the Republic of Albania.
2. The preliminary actions for establishing a business activity or service are not considered as work.
3. The application for a work permit for a foreigner can be presented by the legally-staying foreigner in the Republic of Albania or by the employer.
4. The employer has the right to apply for a work permit for foreigners only after having published the job vacancy for 4 weeks and within the limits set out in Article 83 of this Law.
5. The processing of the application and issuance of work permit is made within 30 days from the date of application.



## Legal aspects on foreigners living in Albania

Law No. 108/2013 (Art. 71)

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### Employment of foreigners

6. An employer may not employ a foreigner who is staying irregularly in the Republic of Albania.
7. When the employer hires a foreigner, he/she must notify the relevant employment office and the regional structures responsible for border and migration within 8 days after the beginning of the work of foreigner.
8. The criteria, procedures and documentation for the provision of foreigner with work permits or certificates of registration under this law, shall be determined by decision of the Council of Ministers.
9. EU and Schengen countries citizens are exempted from the provisions of paragraph 1 of this article and enjoy equal rights with the Albanian citizens in the field of employment and self-employment.



# Legal aspects on foreigners living in Albania

Law No. 108/2013 (Art. 72)

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## Exemption from the obligation

Nationals of one of the EU member States and Schengen countries may stay for up to one month within one year, such as:

- i) persons negotiating a deal or caring for a ward in a fair;
- ii) business visitors;
- iii) members of the crews of ships or aircraft;
- iv) lecturers, researchers or foreign specialists in the field of scientific research, coming to the territory of the Republic of Albania;
- v) trainers who come in the framework of cooperation between governmental institutions or educational institutions themselves;
- vi) personnel of humanitarian organizations operating according to international cooperation programs.

## Legal aspects on foreigners living in Albania

Law No. 108/2013 (Art. 78, 79)



### Expiry of the work permit (Art. 78)

The work permit expires upon:

- a. expiry of the timeframe for which it is issued;
- b. handing over of the work permit by the foreigner prior to the deadline.

### Invalidity of the work permit (Art. 79)

The work permit becomes invalid, when:

- a. its validity period, for any reason, cannot be renewed;
- b. the validity period of the passport or identification document of the foreigner cannot be postponed;
- c. the foreigner stays outside the territory of the Republic of Albania for more than 6 consecutive months;
- d. the foreigner does not start the activity within 3 months from the date of issue of the work permit.



## Legal aspects on foreigners living in Albania

Law No. 108/2013 (Art. 82)

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### Annual quota for employment of foreigners

1. Annual quota for next year for the employment of foreigners in the Republic of Albania are set until 1 October of each current year.
2. The Ministry of Labour and Social Affairs in collaboration with the Ministry of Economy, Trade and Energy, shall propose to the Council of Ministers approval of annual quotas for the employment of aliens (approved by a decision of the Council of Ministers).
3. The annual quota for the employment of foreigners is determined in accordance with the policy of migration and labour market situation.
4. The annual quota for the employment of foreigners defines the activities and occupations in which work is permitted, as well as the number of work permits according to the activities and occupations.
5. The annual quota for employment of foreigners may determine as well the seasonal employment quota accordingly.

**Thank you for  
your attention!**

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*Questions and  
Comments....*

